

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**FOUNTAIN ENTERPRISES, LLC d/b/a
ANYTIME FITNESS – WEST POINT,
VITA GRATA LLC d/b/a ANYTIME
FITNESS - SPOKANE VALLEY,
KZONE SPORTS, FITNESS, AND
WELLNESS LLC d/b/a ANYTIME
FITNESS - SCHUYLKILL HAVEN,
B FIT B YOU LLC d/b/a ANYTIME
FITNESS - DANVILLE, EWT ENTERPRISES
INC. d/b/a ANYTIME FITNESS - IRWIN,
GMT FITNESS ENTERPRISES LLC d/b/a
LRL
ANYTIME FITNESS - GLENSHAW, and
NORTHWEST WELLNESS & FITNESS
LLC d/b/a ANYTIME FITNESS REDMOND,
individually and behalf of all others
similarly situated,**

Plaintiffs,

v.

MARKEL INSURANCE COMPANY,

Defendant.

CLASS ACTION

JURY TRIAL DEMANDED

Case No.: 2:21-cv-00027-AWA-

LRL

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs-Appellants in the above-named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from the final judgment entered in this action by the United States District Court, Eastern District of Virginia, Norfolk Division, on the 26th day of October 2021. Plaintiffs-Appellants seek reversal of the judgment because it was entered in error and the District Court should have found, among other things, that Plaintiffs-Appellants pleaded a plausible claim for relief in their First Amended Complaint.

Plaintiffs-Appellants seek appropriate relief from the Court of Appeals, including, but not limited to, an order reversing the District Court's judgment and sending the case back to the District Court for further proceedings.

Dated: November 23, 2021

/s/ David M. Kopstein

David M. Kopstein (VSB #29999)
KOPSTEIN & ASSOCIATES, LLC
4300 Forbes Boulevard, Suite 210
Lanham, MD 20706
Phone: 301-552-3330
Fax: 301-552-2170
dkopstein@cox.net

Elizabeth Graham**
GRANT & EISENHOFER P.A.
One Market Street
Spear Tower, 36th Floor
San Francisco, CA 94105
Phone: 415-789-4367

Adam J. Gomez**
GRANT & EISENHOFER P.A.
123 Justison Street, 7th Floor
Wilmington, DE 19801
Phone: 302-622-7100

L.N. Chandler Rogers**
Rogers Law Group, P.A.
201 East Bankhead Street
P.O. Box 1771
New Albany, MS 38652
Phone: 662-538-5990

Winston B. Collier**
The Collier Firm, P.A.
P.O. Box 1702
Oxford, MS 38655
Phone: 662-234-0320

***Pro Hac Vice Application to be filed
Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I, David M. Kopstein, certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record, and parties may access the filing through the Court's system.

Dated: November 23, 2021

/s/ David M. Kopstein

David M. Kopstein